

October 3, 2006
Case No. NL020877 (7790/462)
Serial No.: 10/526,921
Filed: March 8, 2005
Page 6 of 13

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2.

Attachment: Replacement Sheet

-- REMARKS --

The present amendment replies to a Non-Final Office Action dated July 13, 2006.

Claims 1-17 are pending in the present application. In the Non-Final Office Action, the Examiner rejected pending claims 1-17 on various grounds. Claim 1 is amended, claim 8 cancelled, and claims 18-21 added herein. The Applicants respond to each ground of rejection as subsequently recited herein and respectfully request reconsideration of the present application.

Drawings

The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims, particularly, the “element positioned centrally underneath a corresponding interstitial region between adjacent microprisms.” Figure 2 has been changed to add reflector elements 4, which previously were only shown in Figure 1. Withdrawal of the objection to the drawings is respectfully requested.

35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, to warrant the §102 rejection, the references cited by the Examiner must show each and every limitation of the claims in complete detail. The Applicants respectfully assert that the cited reference fails to do so.

A. Claims 1-3 and 8-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,839,823 to Hou, *et al.* (the *Hou* patent).

The Applicants respectfully assert that the *Hou* patent fails to teach or suggest all the claim limitations. The *Hou* patent fails to disclose, teach, or suggest an illumination system having an optical means comprising a free-flowing reflective powder to at least substantially shield the blocking means from direct exposure to light radiated from the light source, as recited in amended independent claim 1.

At most, the *Hou* patent discloses filling interstitial regions between microprisms with a solid filler, not a free-flowing reflective powder as claimed. The sidewalls 136 of the microprisms 122 of the light-directing assembly 120 define regions 128 adjacent the sidewalls 136; in a light-directing assembly 120 with multiple microprisms 122, these regions may be referred to as "interstitial" regions. These regions 128 are provided with a reflective element which is a highly-reflective solid filler 160. These materials may be utilized in carriers such as dry powder, paint, or putty. *See* Figure 2; column 4, lines 42-54. As seen in FIG. 2, the solid filler 160 of the *Hou* patent is not enclosed and would fall from the interstitial regions 128 were it a free-flowing powder.

Claims 2, 3, and 9-17 depend directly or indirectly from independent claim 1 and so include all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claims 2, 3, and 9-17 are allowable over the *Hou* patent for at least the same reasons as set forth above with respect to independent claim 1.

Withdrawal of the rejection of claims 1-3 and 9-17 under 35 U.S.C. §102(b) as being anticipated by the *Hou* patent is respectfully requested.

35 U.S.C. §103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Non-Finally, the prior art references when combined must teach or suggest all the claim limitations. *See* MPEP 2143. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See* MPEP 2143.03. The Applicants respectfully assert that the cited references fail to teach or suggest all the claim limitations.

B. Claims 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over the *Hou* patent.

The Applicants respectfully assert that the *Hou* patent fails to teach or suggest all the claim limitations. The *Hou* patent fail to disclose, teach, or suggest an illumination system having an optical means comprising a free-flowing reflective powder to at least substantially shield the blocking means from direct exposure to light radiated from the light source, as discussed above for amended independent claim 1. Claims 4-6 depend directly or indirectly from independent claim 1 and so include all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claims 4-6 are allowable over the *Hou* patent for at least the same reasons as set forth above with respect to independent claim 1.

Withdrawal of the rejection of claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over the *Hou* patent is respectfully requested.

C. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over the *Hou* patent in view of U.S. Patent No. 5,249,104 to Mizobe (the *Mizobe* patent).

The Applicants respectfully assert that the *Hou* patent and the *Mizobe* patent, alone or in combination, fail to teach or suggest all the claim limitations. The *Hou* patent fails to disclose, teach, or suggest an illumination system having an optical means comprising a free-flowing reflective powder to at least substantially shield the blocking means from direct exposure to light radiated from the light source, as discussed above for amended independent claim 1. Claim 7 depends directly from independent claim 1 and so includes all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claim 7 is allowable over the *Hou* patent for at least the same reasons as set forth above with respect to independent claim 1. The *Mizobe* patent also fails to disclose this element.

The *Mizobe* patent also fails to disclose powder mixed with colour pigments as claimed in dependent claim 7. At most, the *Mizobe* patent discloses a light dispersing plate 12 of semitransparent resin including white fine pigment powders. *See* Figure 2; column 4, lines 15-23.

The Applicants also respectfully suggest that the *Mizobe* patent is non-analogous prior art. To be analogous prior art, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *See* MPEP 2141.01(a). The field of an optical display device such as an emblem mounted on an automotive vehicle is not in the field of an illumination system of the present invention. The problem of an optical display device which can exhibit a display pattern not only by daylight but also an internal light source in the nighttime of the *Mizobe* patent is not relevant to the problem of collimation cut-off angle addressed by the present invention. Therefore, the *Mizobe* patent is non-analogous prior art.

Withdrawal of the rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over the *Hou* patent is respectfully requested.

Added Claims

Claims 18-21 have been added herein to more particularly point out and distinctly claim the Applicants' invention. Claims 18-21 are allowable over the cited references for at least the reasons discussed above for amended independent claim 1. No new matter has been added with the addition of claims 18-21, which are supported by Figures 1 and 2, and associated text in the specification.

October 3, 2006
Case No. NL020877 (7790/462)
Serial No.: 10/526,921
Filed: March 8, 2005
Page 12 of 13

SUMMARY

Reconsideration of 1-7 and 9-17, and consideration of claims 18-21, is respectfully requested in light of the remarks herein. The Applicants submit that claims 1-7 and 9-17 fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

Dated: October 3, 2006

Respectfully submitted,

/FRANK C. NICHOLAS/

CARDINAL LAW GROUP
1603 Orrington Avenue, Suite 2000
Evanston, IL 60201
(847) 905-7111

FRANK C. NICHOLAS
Registration No. (33,983)
Attorney for Applicants